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7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2011-758*

13 **MONA M. ALVIRI**

A C C U S A T I O N

14 **15855 Avenida Venusto – No. 735**
15 **San Diego, CA 92128**

16 **Registered Nurse License No. 636553**

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., R.N. ("Complainant") brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
22 Department of Consumer Affairs.

23 2. On or about April 26, 2004, the Board issued Registered Nurse License Number
24 636553 to Mona M. Alviri ("Respondent"). The Registered Nurse License has been active at all
25 times relevant herein and expires on July 31, 2011, unless renewed.

26 **JURISDICTION**

27 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
28 part, that the Board may discipline any licensee, including a licensee holding a temporary or an

1 inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of
2 the Nursing Practice Act.

3 4. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
4 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
5 licensee or to render a decision imposing discipline on the license. Under Section 2811
6 subdivision (b) of the Code, the Board may renew an expired license at any time within eight
7 years after the expiration.

8 5. Sections 118 subdivision (b) of the Code also grants the Board jurisdiction over
9 suspended, expired, forfeited, cancelled, or surrendered licenses:

10 "The suspension, expiration, or forfeiture by operation of law of a license issued
11 by a board in the department, or its suspension, forfeiture, or cancellation by order
12 of the board or by order of a court of law, or its surrender without the written
13 consent of the board, shall not, during any period in which it may be renewed,
14 restored, reissued, or reinstated, deprive the board of its authority to institute or
15 continue a disciplinary proceeding against the licensee upon any ground provided
16 by law or to enter an order suspending or revoking the license or otherwise taking
17 disciplinary action against the licensee on any such ground."

18 STATUTES

19 6. Section 2761 of the Code provides, in pertinent part, grounds for discipline:

20 "The board may take disciplinary action against a certified or licensed nurse or
21 deny an application for a certificate or license for any of the following:

22 (a) Unprofessional conduct, which includes, but is not limited to, the following:

23

24 (4) Denial of licensure, revocation, suspension, restriction, or any other
25 disciplinary action against a health care professional license or certificate
26 by another state or territory of the United States, by any other government
27 agency, or by another California health care professional licensing board.
28

1 A certified copy of the decision or judgment shall be conclusive evidence
2 of that action.”

3 ...

4 (e) Making or giving any false statement or information in connection with the
5 application for issuance of a certificate or license.”

6 **COST RECOVERY**

7 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request an
8 administrative law judge to direct a licentiate found to have committed a violation or violations
9 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
10 enforcement of the case.

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Disciplinary Action by the Massachusetts Board of Nursing)**

13 8. Respondent is subject to discipline pursuant to Section 2761 subdivision (a)(4) of the
14 Code on the grounds of unprofessional conduct because she was disciplined by the
15 Massachusetts Board of Registration in Nursing (“Massachusetts Board”), as follows:

16 9. On or about February 17, 2009, in a “Consent Order for Probation” the
17 Massachusetts Board entered findings of fact, conclusions of law, and an order in the
18 disciplinary action entitled *In the Matter of Mona M. Alviri, RN License No. 262572*.

19 10. In its Consent Order for Probation, the Massachusetts Board found, and Respondent
20 admitted, that on several occasions between January 18, 2006 through February 14, 2006, while
21 working as an agency nurse at Marlborough Hospital in Marlborough, Massachusetts,
22 Respondent administered narcotics to patients without a physician’s written order and failed to
23 properly document the administration or destruction of narcotics she withdrew from a dispensing
24 machine.

25 11. As a result of Respondent’s actions in 2006, in the Consent Order of Probation the
26 Massachusetts Board imposed and Respondent accepted the disciplinary action of placing her
27 nursing license on one year’s probation. The Massachusetts Board required her to complete
28 courses on medication administration and documentation and on legal aspects of nursing. It also

1 ordered her to abstain from the use of alcohol and all substances with potential for abuse, and
2 required her to submit to random drug testing.

3 12. Respondent signed the Consent Order of Probation on or about November 1, 2008.
4 It took effect on February 17, 2009. Probation was completed on February 17, 2010.

5 13. Under Section 2761 subdivision (a)(4) of the Code the Massachusetts Board's
6 disciplinary action against Respondent in 2009 for administering narcotics without a physician's
7 order and failing to properly document the administration or destruction of narcotics is ground
8 for the California Board to take disciplinary action.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(False Statement on License Renewal)**

11 14. Paragraphs 8 through 13 are incorporated herein and realleged in full.

12 15. On or about May 29, 2009, Respondent applied online to renew her California
13 nursing license. In response to the question, "Since you Last Renewed Your License, Have You
14 Had Any License Disciplined By A Government Agency Or Other Disciplinary Body; Or, Have
15 You Been Convicted Of Any Crime In Any State, The USA And Its Territories, Military Court
16 Or A Foreign Country?" Respondent answered "NO", despite the February 2009 disciplinary
17 action against her Massachusetts nursing license by the Massachusetts Board, which is both a
18 government agency and a disciplinary body.

19 16. By committing the acts set forth in paragraphs 7-15 above, Respondent is subject to
20 discipline under Section 2761 subdivision (e) of the Code because she falsely stated in her May
21 2009 online license renewal she had not been disciplined by another government agency or
22 disciplinary body since she last renewed her license when, in fact, she had been disciplined by
23 the Massachusetts Board of Nursing in February 2009.

24 **PRAYER**

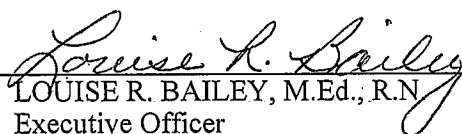
25 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
26 and that following the hearing, the Board of Registered Nursing issue a decision:

27 1.1. Revoking or suspending Registered Nurse License Number 636553, issued to Mona
28 M. Alviri;

1 1.2. Ordering Mona M. Alviri to pay the Board of Registered Nursing the reasonable
2 costs of the investigation and enforcement of this case, pursuant to Business and Professions
3 Code Section 125.3; and,

4 1.3. Taking such other and further action as deemed necessary and proper.

5 DATED: March 9, 2011


LOUISE R. BAILEY, M.Ed., R.N.

Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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